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FILED

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

**PROVIDENCE HEALTH &  
SERVICES-OREGON**, an Oregon  
nonprofit corporation, dba Providence  
Portland Medical Center,

Plaintiff,

vs.

**SANJANA PAHALAD MANCUSO**,  
personal representative of the Estate of  
Rattan Kumar Pahalad, in her official and  
personal capacities,

Defendant.

Case No. 16CV38474

**AFFIDAVIT OF SUSAN D.  
MARMADUKE IN SUPPORT OF  
MOTION FOR CHANGE OF JUDGE**

STATE OF OREGON            )  
County of Multnomah        ) ss.

I, Susan D. Marmaduke, after being duly sworn, depose and say:

1. I am one of the attorneys for plaintiff in this matter.

2. The information contained in this affidavit is of my own personal  
knowledge.

3. On December 28, 2016, a Notice of Appointment of Judge was lodged in  
this matter assigning The Honorable Jerome E. LaBarre as a Motions judge to hear all  
pretrial motions (excluding Summary Judgment motions), except as further provided by  
order of the Presiding Judge. See Notice of Appointment of Judge, attached hereto as  
Exhibit 1; Register of Actions, Exhibit 2.

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FOR CHANGE OF JUDGE

Verified Correct Copy of Original 12/30/2016.

4. Judge LaBarre has not ruled upon any petition, demurrer, or motion in this case.

5. On December 29, 2016, I conferred with defendant's counsel, Maret Thatcher Smith. She informed me that she does not oppose this motion.

6. On December 29, 2016, I caused to be hand delivered to Judge LaBarre's chambers a copy of this motion and supporting affidavit.

7. I believe that Plaintiff Providence Health & Services-Oregon cannot have a fair and impartial trial or hearing before Judge LaBarre.

8. This affidavit is made in good faith and not for the purpose of delay.

DATED this 29<sup>th</sup> day of December, 2016.

Susan Marmaduke  
Susan D. Marmaduke

SUBSCRIBED AND SWORN to before me this 29th day of December, 2016.



Deborah M Boersma  
Notary Public for Oregon

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND, OR 97204  
503.988.3022, Option 3

December 28, 2016

ARDEN J OLSON  
HARRANG LONG GARY RUDNICK PC  
360 E 10TH AVE STE 300  
EUGENE OR 97401

Re: Providence Health & Services-Oregon vs Sanjana Pahalad Mancuso  
Case #: 16CV38474 Contract

**NOTICE OF APPOINTMENT OF JUDGE**

As provided by the court's rules and policy, the Court finds this case has progressed to a point in its process where it is appropriate to appoint a judge.

Judge Jerome E LaBarre has been appointed as a Motions judge or as the Foreclosure Panel judge if this is a Foreclosure case as noted above.

If the judge named above is assigned as a motions judge, the case is assigned to that judge to hear all pretrial motions (excluding Summary Judgment motions), except as further provided by order of the Presiding Judge.

The moving party shall contact the motion judge's chambers to schedule a hearing for any pending motions. The moving party must provide to all parties notice of the time, date, and location set for the hearing, and the name of the judge who will hear the motion. Notice to the parties may be by any means of communication to which the parties mutually have agreed. If there is no agreement as to the means for giving notice, then notice must be given in writing and delivered to each party.

If the judge named above is assigned as a Foreclosure Panel judge, the case is assigned to that judge for all matters.

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For additional information regarding judge assignment, please review the Supplemental Local Rule by visiting the court website at:

[http://courts.oregon.gov/Multnomah/Rules\\_and\\_Fees/Court\\_Rules/Pages/Court\\_Rules.aspx](http://courts.oregon.gov/Multnomah/Rules_and_Fees/Court_Rules/Pages/Court_Rules.aspx)

Exhibit 1  
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Location : All Locations Images Help

REGISTER OF ACTIONS

CASE NO. 16CV38474

Providence Health & Services-Oregon vs Sanjana Pahalad Mancuso

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\$  
\$  
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Case Type: Contract  
Date Filed: 11/18/2016  
Location: Multnomah

PARTY INFORMATION

Defendant	Mancuso, Sanjana Pahalad On Behalf Of the Estate of Rattan Kumar Pahalad	Attorneys Maret Thatcher Smith Retained 971 284-7129(W)
Plaintiff	Providence Health & Services-Oregon Doing Business As Providence Portland Medical Center	ARDEN J OLSON Retained 541 485-0220(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

11/18/2016	Complaint	Breach of Contract; NOT SUBJECT TO MANDATORY ARBITRATION Created: 11/18/2016 10:18 AM
11/18/2016	Service	Mancuso, Sanjana Pahalad Served 11/29/2016 Returned 11/30/2016 Created: 11/18/2016 10:18 AM
11/30/2016	Proof - Service	Created: 11/30/2016 11:41 AM
12/19/2016	Answer	Created: 12/19/2016 3:47 PM
12/19/2016	Motion - Dismissal	of plaintiff's 2nd claim for relief Created: 12/20/2016 10:35 AM
12/28/2016	Order (Judicial Officer: Waller, Nan G )	APPOINTING JUDGE LaBarre as Motions Judge Signed: 12/28/2016 Created: 12/28/2016 2:32 PM
12/28/2016	Notice	APPOINTMENT OF JUDGE Created: 12/28/2016 2:54 PM

FINANCIAL INFORMATION

	Defendant Mancuso, Sanjana Pahalad		
	Total Financial Assessment		783.00
	Total Payments and Credits		531.00
	Balance Due as of 12/29/2016		252.00
12/19/2016	Transaction Assessment		252.00
12/19/2016	xWeb Accessed eFile	Receipt # 2016-2872592	Mancuso, Sanjana Pahalad (252.00)
12/20/2016	Transaction Assessment		531.00
12/20/2016	Counter Payment	Receipt # 2016-2877682	Thatcher, Smith, Maret (279.00)
	Plaintiff Providence Health & Services-Oregon		
	Total Financial Assessment		531.00
	Total Payments and Credits		531.00
	Balance Due as of 12/29/2016		0.00
11/18/2016	Transaction Assessment		531.00
11/18/2016	xWeb Accessed eFile	Receipt # 2016-2794085	Providence Health & Services-Oregon (531.00)

Exhibit 2  
Page 1 of 1  
12/29/2016 10:14 AM

Verified Correct Copy of Original 12/30/2016.

**CERTIFICATE OF SERVICE**

I certify that on December 29, 2016, I served or caused to be served a true and complete copy of the foregoing **AFFIDAVIT OF SUSAN D. MARMADUKE IN SUPPORT OF MOTION FOR CHANGE OF JUDGE** on the party or parties listed below as follows:

- ☐ Via the Court's Efiling System
- ☒ Via First Class Mail, Postage Prepaid
- ☒ Via Email
- ☐ Via Personal Delivery

Maret Thatcher Smith  
Thatcher Smith Law  
107 SE Washington St. Ste 255  
Portland, OR 97214

Of Attorneys for Defendant

I further certify that on December 29, 2016, I caused a true and correct copy of this proposed **AFFIDAVIT OF SUSAN D. MARMADUKE IN SUPPORT OF MOTION FOR CHANGE OF JUDGE** to be served by hand delivery to The Honorable Jerome LaBarre's chambers.

HARRANG LONG GARY RUDNICK P.C.

By: Susan Marmaduke  
Susan D. Marmaduke, OSB 841458  
Telephone: 541-485-0220  
Facsimile: 541-686-6564  
Of Attorneys for Plaintiff

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